



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/577,689

04/28/2006

Stephen Kaneff

19806

8853

23389 7590 01/15/2009  
SCULLY SCOTT MURPHY & PRESSER, PC  
400 GARDEN CITY PLAZA  
SUITE 300  
GARDEN CITY, NY 11530

EXAMINER

NGUYEN, XUAN LAN T

ART UNIT

PAPER NUMBER

3657

MAIL DATE

DELIVERY MODE

01/15/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/577,689	<b>Applicant(s)</b> KANEFF, STEPHEN	
	<b>Examiner</b> Lan Nguyen	<b>Art Unit</b> 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 IDS's</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-13 are objected to because of the following informalities:
  - There are several typographical errors. For example: lines 3, 7 and 18 of claim 1, “of” should be --or--, “clai~~mp~~” should be --clamp-- and “releas~~d~~” should be --released--. Please review the claims and correct accordingly for other instances also.
  - Through out the claims, Applicant employs parenthesis to enclose an alternative claimed feature. For example: “said body (or said rigid arm and hence said body)”. It is suggested to recite the claimed features as --said body or said rigid arm--. Please review the claims and correct accordingly for other instances also.
  - Claims 4 and 5 claim “projection”. It is suggested to delete this claimed feature since claim 1 does not recite this claimed feature.Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3657

3. Claims 1-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneff et al. (5,757,335).

Re: claim 1, Kaneff shows an apparatus for effecting controlled rotation of a body about an axis, as in the present invention, comprising: a ring member 89, an axis 82, an anchor 85a, and expansion and contraction device 84 connected to a rigid arm 81 and the body 10 at one end and to the anchor via rod 86 at the other end; wherein the operation to rotate the body 10 as claimed is shown in figures 9-10 and column 9, lines 11-61. Kaneff shows the anchor 85a to be a plate and a pin in column 9, line 62 to column 10, line 12, while the claim requires a clamp. In column 9, lines 15-20, Kaneff teaches the end of the expanding and contracting device that is connected to the rigid arm 81 can be locked or clamped. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the other end of Kaneff to comprise a clamp instead of an anchor in order to simplify the operation of the rotating apparatus and to reduce the inventory for different spare parts while maintaining the same operation since a releasable anchor or a releasable clamp provides the same releasable means to secure the rotating apparatus.

Re: claims 2 and 3, Kaneff shows the device 84 as claimed in figures 8-10.

Re: claims 4 and 5, the Examiner takes an Official Notice that to duplicate the use of the contracting and expanding device for various reasons such as a second back up device, to provide double the rotation capability, to fine tune the rotational operation with more of the same device, etc. is common knowledge and would have been obvious to one of ordinary skill in the art to have modified Kaneff's apparatus to comprise more

Art Unit: 3657

than one expanding and contracting devices to take advantage of the well known benefits as mentioned above.

Re: claim 6, Kaneff shows a computer in column 10, line 16, as claimed.

Re: claims 7-10, the discussion of the rejection of claims 1-5 meets all the claimed limitations of claims 7-10.

Re: claim 13, Kaneff shows the body 10 as a solar collector in column 1, line 7.

### ***Allowable Subject Matter***

4. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 14 and 15 are allowed.

6. A discussion of the most related art, in comparison with claims 11 and 14, is included for the record. White et al. (GB2060095A) is considered to be the most related art with respect to the clamp of the instant invention. White shows in figure 3 a clamp similar to the claimed invention, comprising: a cross member 2, two side arms 5 with friction pads 9 and 11 to grip the I-beam in the same locations as claimed. White also shows an actuating spring 13 and a rod 15; however, rod 15 of White is not freely movable. Bodkin (5,388,525) teaches an actuating clamp in figure 4 wherein the rod 25 of the clamp is freely movable and is actuated or released by hydraulic cylinder 41. Both White and Bodkin lack an arrangement of the wheels on the I-beam. Aldous et al. (4,467,726) shows a stabilizing apparatus for a rotating body 10, traveling on a circular

Art Unit: 3657

I-beam track 16; wherein the wheels 40 are engaging the track on the under surface of the I-beam. White, Bodkin and Aldous together show some features similar to the claimed clamp. However, they still do not show all the features and the arrangement of the features on the I-beam as claimed. Claims 12 and 15 are considered to be an obvious variant of claims 11 and 14 as shown in figures 12 and 14 of Bodkin.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Morris and Baldassarre are cited for other clamps.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday, 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3657

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Xuan Lan Nguyen/ 1-13-09  
Primary Examiner  
Art Unit 3657